

## HAMPTON PLANNING BOARD

### Minutes

November 19, 2008 – 7:00 p.m.

**PRESENT:** Tracy Emerick, Chair  
Fran McMahon  
Keith Lessard  
Tom Higgins  
Mark Loopley, Clerk  
Ann Carnaby, Alternate  
James Steffen, Town Planner  
Candice Sicard, Planning Secretary

**ABSENT:** Richard Bateman, Selectman Member  
Robert Viviano, Vice-Chair

### I. CALL TO ORDER

Chairman Emerick began the meeting at 7:00 PM by introducing the Board members and leading the Pledge of Allegiance to the flag.

### II. ATTENDING TO BE HEARD

- Hampton River Marina LLC Project Update - Vincent H. Iacozzi

Mr. Iacozzi, Thibault Properties, began by giving a brief history of the Hampton River Marina project. He noted the progress made in replacing the seawall. They plan to dredge this winter. There was recently a shellfish survey done again to show the possible impact of dredging in the area. He noted that they must dredge before starting the building foundations. Mr. Higgins asked if they were trucking materials offsite and this was confirmed. It was also noted that the Salisbury State Reservation would use the materials for dune reconstruction. Mr. Loopley asked for clarification on the work that was done in the previous years as shown on the plan. Mr. Steffen noted that the vesting lapses in January of 2009 and that the approval states that in order to be vested there must be a certificate of occupancy for property. It was noted that the original wording of the vesting was changed at a previous meeting date. There was discussion about giving an extension and Mr. Lessard noted that this would need to be a multi-year extension. They must begin to meet previous criteria at approval such as no boat storage.

**MOVED** by Mr. Higgins to grant an extension to the condition of vesting to the June 5, 2009 Planning Board Meeting.

**SECOND:** by Mr. Lessard

**VOTE 5-0-0 MOTION PASSED**

### III. CONTINUED PUBLIC HEARINGS

**08-050 144 Ashworth Ave Continued from 11/05/08**  
Map 293 Lots 66 & 74  
Applicant: Lawrence DeFranco  
Amended Site Plan  
Waiver Request: V. D & E  
Owner of Record: Zoo Property Management

#### APPLICANT

Mr. Lessard recused himself. Mr. Victor Lessard, Hampton resident detailed the changes made to the site since the previous meeting. He noted that the pavement wouldn't be removed for a

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day or two. There was discussion about the previous application involving the property and doing an as-built drawing. Mr. Lessard agreed to provide an as-built plan in approximately two months.

#### **PUBLIC**

No Comment

#### **BOARD**

No Comment.

**MOVED** by Mr. Higgins to continue the referenced application to the January 21, 2009 Planning Board Meeting for the applicant to provide an as-built plan for the property.

**SECOND** by Mr. Loopley

**VOTE:** 5-0-0 **MOTION PASSED**

#### **08-044 321 Lafayette Road Cont. from 08/06/08, 09/17/08, 10/01/08, 11/05/08**

Map 175/10, 175/13, 176/15, 175/20, & 176/15-1

Applicants: Tropic Star Development, LLC., Katherine Tinios Revocable Trust, Galley Hatch Enterprises, LLC, John M, Tinios Revocable Trust (John M. Tinios, Trustee), & First NH Bank (c/o Citizens Bank- Corporate Tax Dept.).

Site Plan Review: To construct a pharmacy and attached retail space; add restaurant patio and expanded parking.

Owner of Records: Katherine Tinios Revocable Trust (175/10), Galley Hatch Enterprises, LLC (175/13), John M, Tinios Revocable Trust (John M. Tinios, Trustee) (176/15 & 175/20), First NH Bank (c/o Citizens Bank- Corporate Tax Dept. (176-15-1).

#### **APPLICANT**

Joseph Coronati, Jones and Beach Engineers appeared with Jeff Gove of Gove Environmental, John Tinios an Applicant and Steve Pernaw, Traffic Consultant. There was discussion about reviews being turned in at the last moment and the Board not having adequate time to take the reviews into consideration. Mr. Coronati explained the existing conditions. He explained entrances; curb cuts and traffic flow from the site. Mr. Coronati explained Option A would move an entrance. There was discussion about truck traffic and the entrance / exit they would use. He noted that Option B shows the same entrance but with intersection improvements done. The traffic review favored this plan but it would take a Town meeting vote in order to approve this plan. Mr. Coronati presented Option C as the CVS project with the existing entrance. Mr. Coronati noted that the applicant favored Option A, which does not need the Town's vote. There was discussion about the three options. Chairman Emerick noted that Option B was the preference of the Planning Board. Mr. Higgins noted that Option C was the only option that may appease the Town Attorney. There was discussion about parking in the town right of way and that there is no agreement for the parking spaces on Town land for the Galley Hatch. Mr. Lessard asked if the Galley Hatch Restaurant would be returning to the Board in order to move the sign forward, or is once the CVS project is approved, if they would even bother to do this. The applicants confirmed they would come back for A should the intersection get rejected.

#### **PUBLIC**

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Mr. Tinios explained that the last minute memo and the traffic study is upsetting but that he didn't see why the project couldn't be conditionally approved.

#### **BOARD**

Mr. Loopley asked about a reference in the Vanasse and Associates memo, it was noted that this was referring to an off site reference, which would not be involved in Option C.

**MOVED** by Mr. Lessard to continue Option C to the December 3, 2008 Planning Board Meeting.

**SECOND** by Mr. McMahon

**VOTE: 2-3-0 Mr. Loopley, Mr. Higgins and Mr. Emerick Opposed    MOTION DENIED**

**MOVED** by Mr. Higgins to approve the Option C plan to the above referenced project with the condition that the applicant meet the typical Planner's stipulations and that all conditions listed on the Ambit Engineering Memo (11-19-08), the Department of Public Works Memo (11-18-08) and the Fire Department Memo (11-13-08) have been met. The applicant shall attend the December 17, 2008 Planning Board Meeting in order to verify that all conditions have been resolved.

**SECOND** by Mr. Lessard

**VOTE: 4-1-0 Mr. McMahon Opposed    MOTION PASSED**

**MOVED** by Mr. Higgins to continue Option A and Option B plans to the referenced property to the March 18, 2009 Planning Board Meeting. Should Option B fail at the Town Meeting, the applicant will go forward and present Option A to the Planning Board at that time.

**SECOND** by Mr. Loopley

**VOTE: 5-0-0    MOTION PASSED**

There was further discussion about the Town Meeting regarding both Option A and B. There was discussion about a signalized intersection.

Chairman Emerick noted that the Selectmen voted down the warrant article for \$30,000.00 for planning. The Board was disappointed and discussed presenting it as a citizen's article.

#### **IV. CONSIDERATION OF MINUTES of November 5, 2008**

##### **BOARD**

Page 5: Added, "CVS will go forward with the existing Northern Entrance (Galley Hatch). The Galley Hatch will prepare Options A, showing existing changes, and B showing the intersection, to go on the ballot."

**MOVED** by Mr. McMahon

**SECOND** by Mr. Lessard

**VOTE: 5-0-0    MOTION PASSED**

#### **V. CORRESPONDENCE**

#### **VI. OTHER BUSINESS**

- Zoning Amendments

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There was discussion about the proposed alternative energy ordinance and incorporating the Energy Committee's revisions with those of the Planning Office. Ms. Carnaby detailed the small wind energy ordinance, addressing what municipalities can do with the provided model ordinance. There was discussion about the Building Inspector doing the approvals for small wind energy systems. Mr. Steffen did not think that it needed site plan approval and that the ordinance would be an amendment to zoning. Ms. Carnaby noted that the Energy Committee thought that the wind turbine, solar panels and wood burning furnace sections should be placed in three different articles, making them shorter, and ensuring if the voters did not like one of the three, not all would be denied because they are treated separately.

There was discussion about modifying the setbacks for multifamily residential in the Business Seasonal district.

Mr. Steffen also discussed adding the Atlantic Ocean as wetlands.

Mr. Steffen informed the Board that he is currently researching whether or not Hampton meets its fair share of affordable housing.

### **VII. ADJOURNMENT**

**MOVED** by Mr. Loopley to adjourn.

**SECOND** by Mr. Carnaby

**VOTE: 5-0-0 MOTION PASSED**

Meeting adjourned at 8:45pm

Respectfully Submitted,  
Candice Sicard, Planning Secretary